

Appl. No. 10/806,201  
Reply to Office Action of May 20, 2008  
Office Action dated: November 20, 2009

### REMARKS

Applicants have submitted this Request for Continued Examination so that the Examiner may consider the alternate claims as modified herein. Applicants respectfully submit that the prior art references of record, whether considered alone or in combination fail to either teach or suggest the subject matter of the presently claimed invention as now specified. More specifically, in order to highlight the differences between the present invention and the prior art, Applicants have modified the independent claims to additionally specify:

a web enabled cellular telephone having circuitry configured for receiving and storing in a first memory a play list of song identification information for downloading transferred from a device having a second memory containing information designating a plurality of songs for downloading wherein

the second memory is associated with a mechanism for selectively storing song identification information in the second memory based on a digitally transmitted signal which specifically identifies the music;

the web enabled cellular telephone transmits the song identification information to a website via a computer to which the web enabled cellular telephone is connected and the website transfers the music to the web enabled cellular telephone, the music being transferred to and stored in the web enabled cellular telephone after a user confirms ordering of the songs on the playlist.

Applicants respectfully submit that the prior art references of record fail to either teach or suggest a device having these characteristics. More specifically, Applicants note that the Christensen reference merely describes systems and methods wherein a special so-called

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Technology Enabled Radio(TER) is able to designate songs for downloading to the Technology Enabled Radio. The so-called Technology Enabled Radio is an FM radio that is able to decode certain digital signal transmission made in conjunction with a standard FM radio broadcast. In contrast with the claimed invention, there is no web enabled cellular telephone that receives and stores the designated song information.

Applicants note that Christensen merely describes a specific radio that acts in conjunction with some further connection that is possibly provided through a cellular telephone for transferring the songs or other information to the Technology enabled radio but there is not teaching or suggestion concerning storing of the desired song information in the web enabled cellular telephone as disclosed and claimed in the instant application. See, specifically, column 7 at lines 30-37 which indicates that if the user does not have a wireless phone or does not have a good connection with the wireless phone connected to the radio, the content selections can be stored in a flash card for later use.(by the TER) – not the web-enabled cellular telephone.

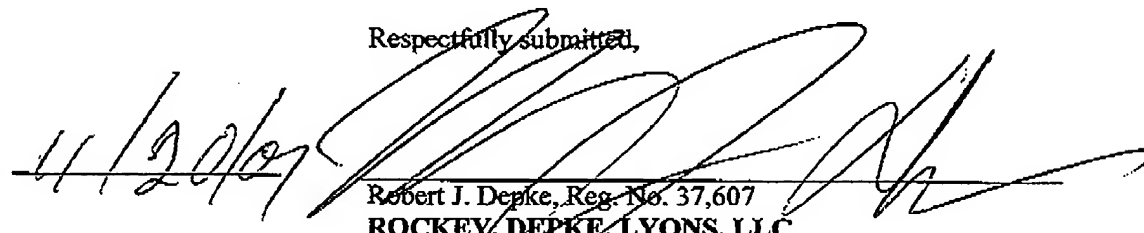
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Accordingly, in light of the foregoing, applicants respectfully submit that all claims now stand in condition for allowance.

In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

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